

1 Andrew Kosiba
2 Plaintiff *in Propria Persona*
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF NEW YORK**

10 1100 Federal Plaza, Central Islip, NY 11722

12 ANDREW KOSIBA

13 PLAINTIFF

14 V.

15 CASE NO. 21-CV-6416 (GRB) (ARL)

16 CATHOLIC HEALTH SYSTEMS OF LONG
17 ISLAND, INC.

18 DEFENDANT

19 **PLAINTIFF'S AFFIDAVIT IN SUPPORT OF SHOWING HE HAS**
20 **EXHAUSTED ADMINISTRATIVE RELIEF**

21 STATE OF NEW YORK)

22) ss

23 COUNTY OF NASSAU)

24 Plaintiff has exhausted the administrative remedies available and as
25 required. Plaintiff declares that applying for administrative relief from the agency
26 is a futile gesture as the agency has demonstrated nothing but incompetence
27 and indifference to plaintiff's Charge of discrimination and retaliation. As a result,
28 the agency is participating in the discrimination.

1 Plaintiff filed an EEOC Charge on October 7, 2021 for discrimination and
2 retaliation. Three months have passed since this Charge was received.

3 EEOC has failed to take any meaningful action or perform an investigation.
4 The agency allowed the deadline to pass for plaintiff's employer to submit a
5 timely Position Statement without comment or action. The agency did not pursue
6 this requirement; yet has failed to find in favor of the plaintiff, which would be
7 expected when the defendant makes no reply to the Charges. The EEOC also
8 failed to timely issue a Right to Sue letter, which would be expected if it has
9 decided not to pursue the case. The Agency has revealed through lack of action
10 that it is indifferent to the discrimination complaint. The Agency has
11 demonstrated incompetence of investigating a discrimination Charge under the
12 "Regarded as" prong of the ADA despite receiving extensive written evidence of
13 the violation. The Agency is participating in the discrimination by completely
14 ignoring the filed charge and ignoring published Agency guidelines on
15 "Regarded as" and "Interference" which were clearly listed in plaintiff's file.
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17 It would put the plaintiff at his own peril to use this agency and would
18 further delay his right to justice.



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20 Andrew Kosiba, Affiant
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STATE OF NEW YORK)
SUFFOLK) ss
COUNTY OF NASSAU)

Subscribed and sworn to before me a notary public this 28 day of December,
2021.



Signature of Notary

[ls]

